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Chairman: Mr. Wolfe ..... (Jamaica)

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The meeting was called to order at 3.05 p.m.

Agenda item 70: Promotion and protection of human rights (A/62/36, A/62/369 and A/62/464)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (A/62/183, 207, 212, 214, 218, 222, 225, 227, 254, 255, 265, 280, 286-289, 293, 298, 304 and 317; A/C.3/62/3)

(c) Human rights situations and reports of special rapporteurs and representatives (A/62/213, 223, 263, 264, 275, 313, 318, 354 and 498; A/C.3/62/4)

(e) Convention on the Rights of Persons with Disabilities (A/62/23*o*)

1. **Mr. Chabar** (Morocco) said that protection of human rights had been strengthened during the nearly 60 years since the adoption of the Universal Declaration of Human Rights, but it was an ongoing struggle which his country had resolved to pursue through concrete measures. Thus, Morocco's Human Rights Consultative Council, which had been reorganized in 2001, enjoyed broad powers for the protection of human rights and fundamental freedoms. The Equity and Reconciliation Commission, which had submitted its final report in 2005, had helped to compensate and rehabilitate several hundred victims of ill-treatment. A mediator (*Diwan Al Madhalim*) had assumed office with the mandate of helping to resolve disputes between citizens and government. A new family law code adopted in 2004 enshrined equality between men and women, and the national plan of action for children laid down the actions to be pursued in order to promote the rights of the child during the decade 2006-2015. Finally, the Royal Institute of the Amazigh Culture, created in 2001, endeavoured to promote that culture and to integrate it into the national educational system.

2. In order to comply with international standards, Morocco had amended its Code of Criminal Procedure, strengthening protection for defendants and recognizing the supremacy of international conventions. It had abolished the Special Court of Justice, a court with exceptional powers, and had strengthened the powers of the courts of appeal. And it had adopted a law against torture consonant with relevant international instruments.

3. Recently, Morocco had recognized th competence of the Committee on the Elimination Racial Discrimination, had withdrawn two reservatio previously formulated with respect to the Conventio against Torture and the Convention on the Rights of th Child and had signed the International Convention fo the Protection of All Persons from Enforce Disappearance and the Convention on the Rights Persons with Disabilities.

4. Morocco welcomed the adoption in Septembe 2007 by the Human Rights Council of the resolutio concerning the United Nations declaration on huma rights education and training, of which Morocco was sponsor.

5. **Mr. Pramudwinai** (Thailand) said that hi country had attached great importance to the Universa Declaration of Human Rights since its adoptio During the nearly 60 years since that event, worldwide consciousness of human rights had emerge which deserved to be nurtured. The internationa human rights architecture had been considerabl strengthened. Thailand hoped that the Human Right Council would prove a constructive mechanism an especially welcomed the agreement on the universa periodic review, in which it placed high expectation By adopting a new mindset and a new way of workin together, the international community could seize th opportunity to advance human rights.

6. Human rights should also be nurtured at th national level. Thailand continued to promote huma rights consciousness among its citizens, in particula by introducing human rights into school curricula taking into account local cultures and specificities Thailand was a party to the principal internationa human rights instruments and, in 2007, had signed th Convention on the Rights of Persons with Disabilitie and acceded to the Convention against Torture an Other Cruel, Inhuman or Degrading Treatment o Punishment. Thailand's commitment to human right emerged also from its new constitution, adopted by referendum in August 2007. The product of a inclusive process of consultation, it strengthened th protection of fundamental rights and freedoms an opened the way to free and fair general elections set fo December 2007.

7. Thailand also welcomed the emergence of man regional human rights mechanisms, particularly i South-east Asia, where the future human rights body o

the Association of Southeast Asian Nations (ASEAN) would become a milestone in the context of ASEAN integration. Despite their great diversity, the ASEAN countries were bound by shared values, notably justice and respect for human rights.

8. On the eve of the sixtieth anniversary of the Universal Declaration of Human Rights, it should be recalled that human rights could not be imposed by an external authority, but should remain a constant aspiration in each individual's daily life.

9. **Mr. Sergiwa** (Libyan Arab Jamahiriya) welcomed the efforts being made by the United Nations and its special procedures mandate holders to ensure that international human rights instruments were implemented. Unfortunately, not all human beings enjoyed full and equal enjoyment of those rights. The Palestinian people, in particular, continued to experience grave violations of their fundamental rights. Following the attacks of 11 September, Muslims had been the target of hostile campaigns and had been wrongly accused of human rights violations. Respect by all for the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief should be ensured.

10. Despite the appeals of the international community for non-selective application of international instruments, some peoples were still not able to exercise their social, economic, civil and political rights. Some countries used human rights as a pretext for impairing the interests of other countries. The international community should strictly apply the principles of objectivity and impartiality laid down in the Vienna Declaration and Programme of Action, in order to prevent all forms of aggression, whether by individuals or States, and to eliminate obstacles to the realization of the right to development, a right which was as fundamental as the right to health, the right to food and the right to escape poverty. The Libyan Arab Jamahiriya trusted that the Human Rights Council would work towards that end.

11. His country was not prepared at the current time to abolish capital punishment as a deterrent to crime, but it imposed the death penalty only for extremely serious offences and only in the framework of due process.

12. The Libyan Arab Jamahiriya had acceded to the core human rights instruments, had incorporated them into its domestic law and ensured that they were respected, as was evidenced by the reports that his Government submitted regularly to the treaty monitoring bodies.

13. **Ms. Borjas Chávez** (El Salvador) thanked the Secretary-General for enabling the preparation of all the reports currently before the Committee. El Salvador reiterated its solid commitment to respect for human rights and fundamental freedoms, as affirmed in the San José Agreement of 1990, and its determination to implement them at the national level, according particular attention to vulnerable groups. In addition to a human rights directorate, it had set up an inter-institutional commission to trace children who had gone missing during the armed conflict, and the commission's work was already bearing fruit. The Government had also launched an aid programme aimed at improving access to food, health care, education and basic services for poor families.

14. Every State had a duty to strengthen the rule of law and to respect its international obligations. Sovereignty could not be used as a pretext for condoning violations. Indeed, it was sovereignty that enabled States to agree voluntarily to be bound by international instruments. El Salvador was a party to the major human rights instruments and had recently ratified the Convention on the Rights of Persons with Disabilities and its Optional Protocol. It had also recognized the jurisdiction of the Inter-American Court of Human Rights.

15. The United Nations had a key role to play in exhorting States to adhere in good faith to international human rights standards. El Salvador attached great importance to the work of the special rapporteurs and representatives, and it cooperated with all of the treaty monitoring bodies, to which it reported regularly.

16. El Salvador reiterated its support for the Human Rights Council and was confident that it would successfully discharge the mandate with which it had been entrusted by the General Assembly, thus dispelling the doubts that had surrounded its establishment. The United Nations system had the opportunity to address the issue of human rights more effectively and more transparently. To that end, the Council must be given the resources needed to carry out its work, and good relations between the Council and the Third Committee must be assured.

17. **Mr. Natalegawa** (Indonesia) reiterated his country's firm commitment to the principle that human

rights were universal, indivisible and interdependent. Welcoming the accomplishments of the Human Rights Council since its establishment, he stressed that much remained to be done, and that the Council could count on Indonesia's active cooperation.

18. His delegation welcomed the introduction of the universal periodic review and looked forward to the finalization of the guidelines in December and to the first review in April 2008, for which Indonesia had been selected.

19. Indonesia cooperated fully with the international machinery for the protection of human rights. His Government had recently submitted periodic reports to the Committee on the Elimination of Racial Discrimination and the Committee on the Elimination of Discrimination against Women, and was currently studying their recommendations, which it had made public. Indonesia's report to the Committee against Torture would be considered in May 2008. His Government also cooperated fully with special procedures mandate holders, three of whom had visited the country between December 2006 and November 2007.

20. The reforms that his Government had undertaken in the past decade had not been without challenges, but they had enabled Indonesia to become one of the biggest democracies in the world, one in which diversity and the rights of individuals were protected. The country's Constitution had been made consistent with the Universal Declaration of Human Rights, a constitutional court had been established and in 2004 a five-year plan of action on human rights had been launched. At the regional level, Indonesia had played an active role in drafting the Association of Southeast Asian Nations (ASEAN) Charter and in establishing a regional human rights mechanism.

21. Elected in 2006 to a second term on the Human Rights Council, Indonesia was committed to the promotion and protection of human rights at all levels, attaching great importance to forming partnerships with civil society and to confronting its challenges in an open and transparent manner. The United Nations High Commissioner for Human Rights had, on various occasions, commended Indonesia's remarkable progress towards democracy.

22. His delegation had therefore been baffled to hear the negative reference by the representative of the European Union about the situation of human rights defenders in Indonesia, which was, moreover, inconsistent with the views expressed by European dignitaries at the end of the latest ministerial meeting between the European Union Troika and Indonesia in March 2007. His Government remained committed to advancing the cause of human rights in Indonesia and worldwide and to strengthening the effectiveness of the United Nations human rights machinery.

23. **Mr. Vohidov** (Uzbekistan) said that his country believed in the unity of all human rights, including civil, political, economic, social and cultural rights. It also believed that international cooperation with regard to human rights should be guided by the principles of equality and mutual respect and should take into account the socio-economic development and historical and cultural traditions of each society. Uzbekistan supported the international community's efforts to ensure universality, impartiality, objectivity and non-selectivity in the examination of human rights issues. Cooperation on human rights should be fair and transparent.

24. His Government was strongly opposed to the use of human rights issues as a means of interfering in the internal affairs of Member States. Moreover, experience had shown that there was not a universal model of democracy that was equally suitable for all States, and that attempts to impose uniform standards of democracy without taking into account the historical and social context and the traditions of countries were counterproductive.

25. Uzbekistan wished to strengthen its cooperation with all United Nations human rights bodies and other stakeholders. Noting that Uzbekistan had ratified without reservation all the core United Nations human rights treaties, he briefly outlined the action that his country was taking with regard to the protection of human rights. First, it had brought its domestic legislation into line with the core United Nations instruments. Second, it was cooperating with the United Nations human rights treaty bodies, regularly submitting periodic reports on its implementation of treaty provisions. Third, it carried out the recommendations made by those bodies, placing particular emphasis on the development and implementation of national plans of action to give effect to such recommendations. Fourth, Uzbekistan was also developing its national machinery for the promotion and protection of human rights. Fifth, the country was devoting considerable effort to reforming

its judiciary with a view to ensuring its independence. Sixth, great attention was being given to the expansion of training programmes in the area of human rights. Seventh, the country was putting in place a non-governmental system for the protection of human rights. The Uzbek parliament had adopted laws that laid a solid legal foundation for the development of non-governmental organizations (NGOs), and a national association of NGOs and a fund to support their activities had been set up.

26. **Ms. Banks** (New Zealand) said that her country's priorities in the field of human rights included the rights of women, children and disabled persons and the abolition of the death penalty. Capital punishment was an affront to human dignity and New Zealand, which had long been opposed to its use, whatever the circumstances, had been the first country to become party to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. Her delegation was concerned that many countries continued to impose that cruel, inhuman and irreversible punishment. It was thus pleased to be a sponsor of the draft resolution on a moratorium on the use of the death penalty, with a view to the eventual abolition of capital punishment, the adoption of which by the General Assembly would constitute a milestone in the efforts of the international community to that end.

27. Her delegation was pleased that the Human Rights Council had finalized its institution-building process and would be able to focus clearly on its core business and fulfil all aspects of its mandate. The Council's universal periodic review mechanism would enable it to assess all country human rights situations in an open and equitable manner, but the mechanism could not be a substitute for the existing procedures. The worst situations would continue to require the special attention of the General Assembly and other bodies, and her delegation would continue to support country resolutions relating to serious human rights violations.

28. The human rights situation in a number of countries was a matter of deep concern. Her delegation called on the Government of Myanmar to end its violent response to protests, release political prisoners and engage in peaceful and constructive dialogue. It was encouraging that the Government had agreed to host a visit to the country in November 2007 by the Special Rapporteur on the situation of human rights in Myanmar.

29. Her delegation had once again sponsored a resolution on the human rights situation in the Islamic Republic of Iran, which had deteriorated still further.

30. She expressed grave concern about the political, economic and humanitarian situation in Zimbabwe, where arbitrary arrests, torture and intimidation continued to be used to control dissent. Her delegation welcomed, however, the efforts being made to find acceptable solutions to the problems faced by Zimbabwe and hoped that they would result in the holding of free and fair elections.

31. In Darfur, the situation remained extremely serious. Her delegation hoped that all the parties to the conflict, especially the Sudanese Government, would enable the African Union-United Nations Hybrid Operation in Darfur to be deployed as soon as possible.

32. Lastly, she drew attention to the human rights situation in Fiji, where, since the coup d'état in December 2006, serious human rights abuses had occurred. Her delegation welcomed, however, the interim Government's commitment, at the recent meeting of the Pacific Islands Forum, to holding free and fair elections. It keenly awaited the implementation of that commitment.

33. **Ms. Mtshali** (South Africa) said that her statement would focus on the issue of the realization of the right to development. General Assembly resolution 48/141 of 20 December 1993, which had established the Office of the High Commissioner for Human Rights, mandated the High Commissioner to promote and protect the realization of the right to development and to enhance support from relevant United Nations bodies. The Research and Right to Development Branch established within the Office of the High Commissioner to that end should demonstrate greater commitment to the realization of that right.

34. Although the major United Nations conferences and summits had, in their substantive outcomes, addressed all the developmental issues requiring the attention of the international community, implementation of the necessary measures remained elusive. Failure to achieve the objectives set forth in the outcomes of those conferences and meetings, including the Millennium Summit of 2000 and the millennium review summit in 2005 had a serious

negative impact on the effective exercise of the right to development by many citizens of the developing world. For that reason, the African countries had established the New Partnership for Africa's Development (NEPAD) and the African Peer Review Mechanism of the African Union as instruments of international cooperation with a view to the realization of the right to development. Her delegation called on the international community, including the private sector, to work in partnership with Africa within the framework of NEPAD and the African Peer Review Mechanism in order to attain those objectives.

35. Her delegation shared the position of the Non-Aligned Movement on the realization of the right to development and was firmly convinced of the need to elaborate minimum international standards, in the form of a convention on the right to development. Her delegation was seriously concerned that, in some quarters, the notion was propagated that the right to development was the sole responsibility of States acting at the national level. That approach ran counter to Goal 8 of the Millennium Development Goals, which sought to develop a global partnership for development. There could be no doubt that the forces of globalization required a collective response to the global threats enumerated in the note by the former Secretary-General transmitting the report of the High-level Panel on Threats, Challenges and Change, entitled "A more secure world: our shared responsibility".

36. **Mr. Nebié** (Burkina Faso) said that his country had joined in the worldwide process of promoting and protecting the rights of persons with disabilities during the United Nations Decade of Disabled Persons (1983-1992) and had ratified a number of relevant international instruments such as, for example, the Convention on the Elimination of All Forms of Discrimination against Women, the International Labour Organization Conventions concerning Discrimination in Respect of Employment and Occupation (No. 111), concerning Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family Responsibilities (No. 156), concerning Invalidity, Old-Age and Survivors' Benefits (No. 128), concerning Vocational Rehabilitation and Employment (Disabled Persons) (No. 159), concerning Vocational Guidance and Vocational Training in the Development of Human Resources (No. 142) and the Convention on the Rights of the Child, article 23 of which referred to disabled children. Several legislative texts on the subject had been adopted at the national level, including article 18 of the Constitution, which stated that assistance to persons with disabilities was a social right which must be promoted, the Tax Code which exempted persons with disabilities from taxation, the Penal Code which made the rape of a disabled person an offence carrying a prison sentence of 10 to 20 years, the Electoral Code and Decree No. 86/149 of 30 April 1986 concerning the equipping of public facilities with disabled access.

37. Various institutions were responsible for promoting and protecting the rights of disabled citizens: the Ministry for the Promotion of Human Rights, some of whose programmes expressly targeted persons with disabilities; the Ministry of Social Welfare and National Solidarity, which sought to secure the rehabilitation and integration of the disabled in sport and in the social, economic and cultural fields; the Advisory Commission on Labour, which issued reasoned opinions on provision for the disabled in labour legislation; and the National Centre for Orthopaedic Equipment, which played a role in training and coordination.

38. Burkina Faso was, however, aware of shortcomings in putting into effect the provisions of the Convention on the Rights of Persons with Disabilities. On the one hand, insufficient data on the situation of those persons in the country made it difficult for the Government to formulate pro-disabled policies. On the other hand, national action to assist the disabled was poorly coordinated and underfinanced and suffered from a lack of awareness-raising activities; in fact, the disabled themselves were often unaware of their rights. The Convention had not yet been ratified by his country owing to red tape, but a bill to that effect would soon be introduced in parliament, and his Government was on the point of endorsing a monitoring report on the Convention's implementation.

39. The authorities of his country intended to overcome those shortcomings by launching an ambitious media campaign intended to reach out to persons with disabilities and the general public and by encouraging closer coordination among public bodies in order to improve the daily lives of disabled persons. While the Government knew that it could rely on the technical and financial support of its bilateral and multilateral partners, it wished to mobilize all the

national stakeholders, in other words, the authorities, civil society organizations, human rights associations and disabled persons themselves and to create an awareness among the population of the need to integrate the disabled into society.

40. His Government was deeply committed to making life easier for persons with disabilities. Lastly, he noted that the mere adoption of a legal instrument was not in itself enough to secure real respect for the rights of the disabled.

41. **Mr. Acharya** (Nepal) said that there were regular reports of serious violations of human rights and fundamental freedoms in different parts of the world, despite the efforts of the competent United Nations bodies, to which Nepal attached great importance. Nevertheless the establishment of the Human Rights Council denoted significant progress towards the enjoyment of human rights by all. He welcomed the adoption of the universal periodic review mechanism and hoped that it would be applied fairly.

42. The Nepalese Government was fully committed to promoting and protecting human rights and fundamental freedoms. The situation in his country had improved considerably since the restoration of democracy in April 2006 and the start of the peace process, because the Interim Constitution of 2007 guaranteed civil liberties and the basic political, social, cultural and economic rights of the Nepalese and the Government had adopted legislative and administrative measures to strengthen democracy and protect human rights.

43. Moreover the Nepalese Government was determined to end the impunity which had prevailed during the armed conflict by setting up a Truth and Reconciliation Commission and by striving to resolve the issue of disappearances. Furthermore, many internally displaced persons had returned to their homes since the end of the conflict, and the Government was endeavouring to ensure that the relevant provisions of the Peace Agreement were implemented.

44. The new Constitution of Nepal which, for the first time, would be written by the elected representatives of the people, would rest on the principles of the rule of law, the independence of the judiciary and respect for human rights and fundamental freedoms. He was confident that the headway made in the peace process would lead to the progressive enjoyment of human rights by all Nepalese.

45. As an ethnically diverse nation, Nepal welcomed the adoption of the United Nations Declaration on the Rights of Indigenous Peoples and the Convention on the Rights of Persons with Disabilities, persons whom his Government strove to protect.

46. In order to end traditional discrimination against women, certain disadvantaged ethnic groups and indigenous communities, and Madhesis and Dalits, steps had been taken to boost their participation in public life and integration into society, inasmuch as the Civil Service Act had earmarked certain posts for them.

47. The recent elevation of the National Human Rights Commission to the status of a constitutional body responsible for monitoring the human rights situation in the country was expected to contribute to the enhancement of national capacities for protecting those rights, provided that it received additional technical and financial assistance from the international community, particularly the Office of the United Nations High Commissioner for Human Rights.

48. Nepal was fully honouring all its human rights obligations and continued to cooperate unreservedly with United Nations mechanisms by inviting special procedures mandate holders to visit the country.

49. **Ms. Bhoroma** (Zimbabwe) said that her delegation wished to align itself with the statement made by the delegation of Benin on behalf of the Group of African States. She reaffirmed that the Committee should promote universal respect for all human rights, including the right to development, since poverty was incompatible with respect for those rights.

50. She drew attention to the powerlessness of many African countries which were confronted by poverty, underdevelopment, an unfair trading system and HIV/AIDS. That had been exacerbated by the pursuit of domination on the part of some developed countries, whose leaders clearly lacked the will to seriously reduce the inequalities that prevented the populations of developing countries from enjoying their socio-economic rights. Instead of manipulating human rights issues for political and hegemonic purposes, the European Union and its allies should allocate more resources to enable the fulfilment of the right to life, food and development in the poorest developing countries.

51. She said that the statement by the European Union on the human rights situation in Zimbabwe had been inspired by the United Kingdom as part of its policy of regime change against a former colony, which it sought to regain control over with assistance from a number of Western countries. The relentless campaign of slander against her country was intended to give the false impression that there was internal oppression.

52. The real obstacle to international cooperation in the area of human rights was the greed of the West and its desire to maintain control over Africa's land and mineral resources. Zimbabwe was a victim of unilateral coercive economic and political measures imposed by the European Union, the United States of America and Canada, Australia and New Zealand, which encouraged dissent in Zimbabwe in violation of its sovereign right to choose its own Government and leaders, as enshrined in the Charter of the United Nations. The international community should speak out against such blackmail since Zimbabwe was free to use its resources for its own development and had no apologies to make to anyone for confiscating the land of a minority of white farmers for the benefit of the majority black farmers in the country.

53. She recalled that tens of thousands of Zimbabweans had died to liberate their country from colonialism, and therefore freedom was no vain notion for Zimbabwe. While the situation of human rights and fundamental freedoms in her country was not perfect, Zimbabwe had no need for lectures from States that unjustifiably set themselves up as examples. Her delegation joined those that did not wish to see the Human Rights Council become a political forum used to cast aspersions on particular countries. It was only on an equal footing that members of the international community would constructively advance the cause of human rights cherished by all.

54. **Mr. Takasu** (Japan) said that the promotion and protection of human rights by the international community was assumed to take into account the history, traditions and culture of the countries in question. He also emphasized the importance of the Human Rights Council in the promotion of those rights on a global scale and hoped that resolution 5/1, which laid the foundations for future work of the Council, would be adopted swiftly and without amendments by the General Assembly. The Human Rights Council must be a forum of more effective cooperation and dialogue than the previous body, one capable of enhancing the capacity of States to respect their human rights obligations. As a member of the Council, Japan was committed to playing a constructive role in it and also supported the efforts made by the High Commissioner for Human Rights to strengthen her mission to provide support and assistance to countries in need.

55. He recognized that the overall human rights situation had improved in a world where democracy was progressing and the rule of law was being strengthened. However, the international community should continue to be concerned by the serious ongoing violations of those rights. Japan particularly urged the Democratic People's Republic of Korea to grant the Special Rapporteur on the situation of human rights in that country access to its territory without further delay. It was also essential for the international community to put pressure on the Democratic People's Republic of Korea to resolve the abduction issue in an expeditious manner. Japan would continue its dialogue with a view to settling that issue and others, particularly the unfortunate incidents of the past, in accordance with the Pyongyang Declaration and Plan of Action on South-South Cooperation. It also called upon the Democratic People's Republic of Korea to respect the commitments that it had entered into within the framework of the Six-Party Talks.

56. With regard to the situation in Myanmar, he deplored that fact that the authorities had used force against peaceful demonstrators instead of acting with restraint. The resulting death toll included one Japanese citizen. He, therefore, welcomed the statement made by the President of the Security Council and the resolution adopted by the Human Rights Council and hoped that the Government of Myanmar would undertake to democratize the nation by satisfying the demands of the population and that it would work to establish a meaningful dialogue for national reconciliation and, thus, for a comprehensive peaceful settlement of the situation.

57. Japan supported the Secretary-General's mission of good offices and the efforts of his Special Adviser and invited the Government of Myanmar to cooperate fully with the United Nations. It also welcomed the fact that that Government had agreed to the visit of the Special Rapporteur on the situation of human rights in Myanmar.

58. Emphasizing the role of the international community in assisting countries that were attempting to improve their human rights situation on the ground, he said that the presence of solid democratic institutions in a country contributed to peace and prosperity both at the national level and in the rest of the world. He welcomed and would continue to promote the recent progress made in that area in Nepal and Cambodia, including the adoption in June of the rules of procedure for the tribunal to try the Khmer Rouge. Japan had made voluntary contributions of $21.6 million, i.e. 40 per cent of the total cost of the trial, and had provided one of the international judges who would serve in the Supreme Court Chamber in the hope of a swift and fair trial that would lead to the conviction of those who had perpetrated acts of inhuman cruelty.

59. He announced that his country had become a party to the Rome Statute of the International Criminal Court and that it would actively contribute to the proper functioning of the Court.

60. Lastly, he called on Member States to continue their efforts to promote and protect human rights in the world and to trust that they would be successful, particularly through the empowerment of individuals and zero tolerance. Japan would continue to cooperate with the United Nations towards that end.

61. **Mr. Belinga-Eboutou** (Cameroon) said that he had been encouraged by the statements made after the introduction of the reports on the situation of human rights and fundamental freedoms. States had reaffirmed, on the one hand, the universal, indivisible and interdependent nature of human rights, and, on the other hand, their willingness to promote and protect those rights. He welcomed the progress made year after year: a growing number of States were acceding to the various international human rights instruments and national institutions for the promotion of those rights were being established and strengthened.

62. He noted, however, that reality had not lived up to expectations and that greater attention must be devoted to the right to development with a view to ensuring that mankind was free from fear, want and disease. The Office of the United Nations High Commissioner for Human Rights (OHCHR) must step up its efforts to bridge the gaps between objectives and outcomes highlighted in the reports. Globalization meant that man's intelligence, dignity and well-being must be at the centre of the international community's concerns.

63. He noted with satisfaction that the budget of OHCHR continued to grow, in accordance with paragraph 124 of the 2005 World Summit Outcome, which provided for the doubling of that budget by 2010. Field offices, however, had not benefited as they should have done from the increased budgetary resources available to the Office. Thus, the Subregional Centre for Human Rights and Democracy in Central Africa, in Yaoundé, which carried out multisectoral and multifaceted activities in a dynamic manner, lacked financial and human resources.

64. In closing, and in view of the fact that, to date, no action had been taken, he invited other delegations to call for the full implementation of General Assembly resolution 61/158, which stipulated that OHCHR should bolster the Centre's capacity to act. He also reiterated Cameroon's commitment to promoting human rights in partnership with the United Nations and its Member States, and stressed the need to raise people's awareness of their rights to ensure that they could be enjoyed and, ultimately, respected.

65. **Mr. Kim** Hyun-chong (Republic of Korea) said that his delegation welcomed the adoption of the International Convention for the Protection of All Persons from Enforced Disappearance, the Convention on the Rights of Persons with Disabilities and the United Nations Declaration on the Rights of Indigenous Peoples. In order to fulfil its objectives in the area of human rights, however, the United Nations must be equipped with strong, effective and credible bodies. The Human Rights Council, OHCHR and the treaty bodies were the three pillars of the United Nations machinery in that sphere. The Republic of Korea welcomed the steps taken in June to strengthen the Human Rights Council, in particular the introduction of the universal periodic review. Over and above dialogue and simple cooperation, that mechanism must make a specific contribution to improving the situation of those in need of protection.

66. The whole United Nations system must work together to promote human rights. In that connection, the role of the General Assembly must not be overlooked, particularly because of the synergy between its country-specific resolutions and the universal periodic review conducted by the Human Rights Council. Furthermore, the Republic of Korea

supported the strengthening of the role of the High Commissioner for Human Rights and her Office both at Headquarters and in the field, in particular through the use of country teams. It deplored, however, the ongoing serious and systematic human rights violations in several regions of the world, in particular Darfur, Myanmar and the Middle East.

67. The Republic of Korea was also endeavouring to protect and promote human rights at the national level by strengthening its relevant legislation, institutions and policies. In 2007, the Korean Government had adopted a national plan of action for the promotion and protection of human rights, which dealt with the whole range of laws, mechanisms and policies on human rights and would be implemented from 2007 to 2011. It was also firmly committed to ratifying the Convention on the Rights of Persons with Disabilities and to signing the International Convention on the Protection of All Persons from Enforced Disappearance as soon as possible.

68. **Ms. Filip** (Observer for the Inter-Parliamentary Union) said that the 117th Assembly of the Inter-Parliamentary Union (IPU) had taken place in Geneva in early October. During the Assembly, the *Handbook for Parliamentarians on the Convention on the Rights of Persons with Disabilities*, which had been prepared jointly with the Department of Economic and Social Affairs and OHCHR, had been made public. The Handbook explained the main provisions of the Convention, identified best practices and proposed model legislation. By raising awareness of the Convention among parliamentarians, IPU hoped to facilitate its entry into force and, ultimately, its universal ratification.

69. At its 117th Assembly, IPU had also adopted a resolution on the emergency item, entitled "The urgent need to immediately stop the widespread human rights violations and to restore the democratic rights of the people of Myanmar", in which parliaments worldwide had strongly deplored the reprehensible repression of peaceful demonstrations of monks and civilians in Myanmar in violation of the most fundamental human rights of ordinary citizens, notably their right to life and to freedom of opinion peacefully expressed; demanded that the Government of Myanmar immediately and unconditionally release the jailed parliamentarians-elect, Daw Aung San Suu Kyi and other NLD political leaders, as well as all political prisoners, monks and ethnic leaders struggling for democratization, political reform and respect for human rights in the country; and resolved to maintain their strong commitment to the promotion and protection of the fundamental human rights of the people of Myanmar as an expression of solidarity with their sacrifice and struggle against tyranny.

70. In order to assist parliaments in the exercise of their role as guarantors of human rights, IPU promoted the establishment of special parliamentary committees responsible for human rights, gathered information on those committees and entered it into an interactive database, and held annual seminars for committee members on current affairs. A seminar on migration and human rights had recently been organized in collaboration with the International Labour Organization and OHCHR.

71. Migration had a bearing not only on issues relating to the economic and development spheres but also on those relating to civil, political, economic and social rights, in countries of origin as well as in countries of transit and destination. Parliamentarians must work to promote migrants' rights and to combat stereotypes and policies that adversely affected social diversity and cohesion, and ensure that their Governments ratified the relevant international agreements, in particular the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. That issue would remain one of the main points of discussion at the 118th IPU Assembly, which would take place in 2008.

72. **Mr. Dall'Oglio** (Observer for the International Organization for Migration (IOM)), speaking under agenda item 70 (b), said that the protection of the fundamental rights of migrants was essential to orderly and humane migration. IOM had addressed the Committee on that topic in 2006, against the background of the debate during the High-level Dialogue on Migration and Development on measures to ensure respect for and protection of the human rights of all migrants and to prevent and combat smuggling of migrants and trafficking in persons.

73. The debate had continued in 2007, in particular in the Global Forum on Migration and Development, which had first met in July on the initiative of the Belgian Government. On that occasion, emphasis had been laid on the five priorities of fighting racism and xenophobia, respecting and implementing relevant international instruments, ensuring protection and

non-discriminatory treatment of migrants, empowering migrants, and fighting human trafficking. Again in 2007, the Alliance of Civilizations had highlighted the importance of education, youth, migration and the media in reducing tensions and facilitating tolerance and dialogue among cultures, communities and individuals.

74. IOM was involved in several projects to protect the fundamental rights of migrants and, on the initiative of the Alliance of Civilizations, was engaged in discussions with journalists on the role of the media in depicting migration issues and migrants themselves. To mark the first anniversary of the publication of the report of the High-level Group of the Alliance of Civilizations, IOM, in cooperation with Inter Press Service, would be holding a conference on the role of communication in the dialogue among civilizations on 29 November 2007 in Venice. Hosted by the province of Venice, the conference would be attended, among others, by the United Nations High Representative for the Alliance of Civilizations, Mr. Sampaio.

75. IOM welcomed the proposal of the Government of the Philippines to include the issue of "Migrants' rights and development" in the agenda of the next meeting of the Global Forum on Migration and Development, to be held in Manila in October 2008. Along with other members of the Global Migration Group, IOM would help the Government of the Philippines to prepare the meeting and ensure concrete follow-up for its outcomes.

76. Referring to the report of the Special Rapporteur on the human rights of migrants (A/62/218), he said that IOM sought to protect the rights of migrants. The Council of the organization, in its resolution on IOM strategy for 2007-2010, adopted in June, had acknowledged that the effective promotion and protection of human rights were an integral part of the IOM programmes, conceptually and in practice.

77. **Mr. Ndjonkou** (Observer for the International Labour Organization (ILO)) welcomed the Convention on the Rights of Persons with Disabilities, in particular its provisions on work and employment, vocational training, habilitation and rehabilitation. It was an important text and supplemented the ILO Convention concerning Vocational Rehabilitation and Employment of Disabled Persons and the Code of Practice on Managing Disability in the Workplace, other international labour standards and relevant regional and national initiatives. The Convention did not create new rights but recognized the right of more than 470 million disabled men and women to earn their living through freely chosen or accepted work, in either formal employment or self-employment.

78. Since 2001, ILO had increased its collaboration with Governments, social partners and civil society, including disabled persons' organizations, with a view to improving the practical effectiveness of legislation and policy concerning the vocational training and employment of persons with disabilities. It was accordingly reviewing the laws in force, helping to develop national action plans and supporting activities within the framework of those plans. In order to build the capacity of Governments, lawyers, social partners and disability advocates, ILO had issued legislation guidelines in 11 languages, established an online database on disability-related law and policy and developed and tested a curriculum in that field in several developing countries.

79. The theme of the International Day for Disabled Persons in 2007 would be "Decent work for persons with disabilities", and on that occasion a review would be launched of international and national measures to promote the right to decent work of persons with disabilities.

80. **Mr. Schulz** (Observer for the International Federation of Red Cross and Red Crescent Societies (IFRC)) speaking under agenda item 70 (e), said that civil society and Ambassador Don Mackay of New Zealand had played a crucial role in the elaboration of the Convention on the Rights of Persons with Disabilities. Red Cross and Red Crescent Societies throughout the world subscribed to its guiding principles, and many of them therefore welcomed the prospect of celebrating the International Day for Disabled Persons, on 3 December. The Federation looked forward to the entry into force of the Convention and its Optional Protocol, and would discuss with the Office of the High Commissioner for Human Rights its own possible contribution to the work of the future Committee on the Rights of Persons with Disabilities. It also intended to work in that area with the Inter-Parliamentary Union, which had produced a Handbook that served as an excellent supplement to the Convention.

81. He spoke of the activities of the Red Cross Society in Bulgaria, which managed a home-care

programme aimed in particular at persons with disabilities. The programme was supported by the Bulgarian Government, but also by the Red Cross Societies of Germany, Italy and Switzerland, and it was fully in line with the international cooperation objectives set out in article 32 of the Convention.

82. He also highlighted the role of the Child Rights Information Network in disseminating information on disability issues and the work of the United Nations Department of Economic and Social Affairs, described in its new website under the appropriate title of "Enable". Work with and for persons with disabilities in many ways exemplified the theme "Together for Humanity", chosen for the 30th International Conference of the Red Cross and Red Crescent Movement, to be held in Geneva at the end of November 2007.

83. Referring to the work of national Red Cross and Red Crescent Societies in countries affected by the problem of mines, he said that the Ottawa Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on their Destruction, of which 2007 was the tenth anniversary year, was also of major importance for persons with disabilities. In Mozambique, the Red Cross Society was engaged in action that was fully consistent with the provisions on international cooperation and assistance contained in article 6 of that Convention.

84. **Mr. Ahmed** (Sudan), speaking in exercise of the right of reply, said that the statement by the representative of Australia concerning the human rights situation in the Sudan lacked objectivity and was politically motivated. Everyone knew that Australia could not afford to give lessons in the field of human rights promotion and protection, in view of its treatment of immigrants and aborigines. He hoped that Australia would have the courage to recognize the violations that it committed before concerning itself with the human rights situation in other countries.

85. **Mr. Navoti** (Fiji), speaking in exercise of the right of reply, noted that the representative of Australia had seen fit to mention the human rights situation in Fiji under agenda item 70 (c), but that his malicious and misplaced remarks would in no way contribute to the reconstruction of Fiji. The media and lawyers and judges were no longer intimidated, and the country wished to cooperate with the international community in that regard. The Acting Prime Minister had assured the General Assembly and the Pacific Islands Forum that elections would be held in 2009.

86. Australia knew full well that Fiji needed encouragement and not threats to progress towards democratic governance and it must realize that the country was moving forward and sparing no effort to restore parliamentary democracy.

87. **Mr. Pak** (Democratic People's Republic of Korea), speaking in exercise of the right of reply concerning the intervention by Japan, said that the question of abductions of Japanese citizens had already been resolved. The fate of somewhat over 10 Japanese nationals could not be compared with that of 8.4 million Koreans, in particular, the 200,000 comfort women who had been captured by Japan. Nevertheless, his Government had, at Japan's request, conducted a nationwide investigation on the question, and had reported its findings to the Japanese authorities. It had been confirmed that 13 Japanese nationals had been abducted between the late 1970s and the early 1980s; five were still alive and had been authorized to return to Japan with their children, and eight were deceased. The Government of the Democratic People's Republic of Korea had formally expressed its regrets and provided all necessary explanations on the matter. The Japanese authorities had in fact thanked his Government for its sincere efforts and had shown their good will by not publicizing the situation. If they wished to settle the question, they should begin by informing the families of the victims and stop playing games with public opinion.

88. His Government would continue to do its best to find a solution in the context of the application of the declaration adopted by the two countries in September 2002 and hoped that the Japanese Government would view the situation realistically and be reasonable.

89. He would not reply in detail to the statement by the representative of Australia because it was absurd and politically motivated.

90. **Mr. Ke** Youshang (China), speaking in exercise of the right of reply concerning the statement made during the morning by the Swiss delegation on the question of the death penalty, said that Chinese penal law strictly limited the application of capital punishment to a few individuals accused of very serious crimes. In 2006, the number of persons sentenced to death had been at its lowest level in

10 years. The death penalty was not a human rights question and was not prohibited by international law.

91. When the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights had entered into force, the great majority of the countries currently represented at the United Nations had been applying it, and more than 80 countries still were. That simply showed that the situation varied from country to country, as did the timetable followed for definitively abolishing the death penalty. Those countries that until recently had still been in favour of the death penalty should not try to impose their new viewpoints on others.

92. **Mr. Hla Myint** (Myanmar), speaking in exercise of the right of reply concerning the statements made during the morning by Australia, New Zealand, Norway and Japan harshly criticizing his country, said that detailed explanations of recent events had already been provided to the Special Rapporteur on the situation of human rights in Myanmar. The Special Rapporteur had, moreover, been invited to visit the country, as Mr. Gambari had done. The constant criticisms levelled against his country did nothing to help it take the measures that were needed.

93. **Mr. Shinyo** (Japan), speaking in exercise of the right of reply concerning the statement by the representative of the Democratic People's Republic of Korea, said that that statement was unfounded, and that he could not accept it. The question of abductions was a very serious one which affected not only Japan but also other countries such as Thailand and Romania.

94. In the resolution adopted in December 2006 on the situation of human rights in the Democratic People's Republic of Korea, the General Assembly had expressed its very serious concern at the abductions of foreigners.

95. His Government had established that 17 victims of abductions were Japanese nationals. Of those 17, only five had returned to Japan. According to the authorities of the Democratic People's Republic of Korea, eight of the remaining 12 had died, and four had allegedly never entered that country. Japan could not accept that explanation and had to assume that the 12 individuals who had allegedly disappeared were still alive.

96. Although the representative of the Democratic People's Republic of Korea had said that his Government was cooperating with Japan, it had not cooperated enough. The remains of an abducted Japanese woman contained the DNA of several individuals. He would like to hear an explanation of that mistake.

97. The Working Group on Enforced or Involuntary Disappearances, which had reviewed nine pending cases, eight of which involved Japanese nationals, had also expressed the hope that the Democratic People's Republic of Korea would take steps to shed some light on the matter.

98. President Kim Jong-il had confirmed the abduction of Japanese nationals and had apologized to the Japanese Prime Minister during the Prime Minister's visit to Pyongyang in September 2002, and in 2004 he had promised to follow up on the investigation.

99. It was therefore incumbent upon the Democratic People's Republic of Korea, which was responsible for serious crimes and violations of human rights and of international law, to let the abductees return to their country of origin. Japan, for its part, was prepared to continue its consultations with the Democratic People's Republic of Korea with a view to normalizing relations between the two countries.

100. **Mr. Pak** (Democratic People's Republic of Korea), replying to the representative of Japan, said that the reference to other countries was unfounded. The claim that 12 abductees might still be alive would only make sense if the dead could come back to life. Eight individuals who, according to Japan, had been abducted by the Democratic People's Republic of Korea had been found in Japan. The Japanese authorities had even gone so far as to say that they were not sure if the remains that had been returned to Japan had been returned by the dead woman's husband.

101. Although it was very difficult under those circumstances to collaborate with Japan, the Democratic People's Republic of Korea would do its best, as it had in the past, to resolve the issues in a straightforward manner.

102. **Mr. Shinyo** (Japan), replying to the representative of the Democratic People's Republic of Korea, said that the issue under discussion did not only concern Japan but the entire international community as well. In his report, Mr. Muntarbhorn had indicated that a number of Japanese nationals had been abducted

in the 1970s by agents of the Democratic People's Republic of Korea, probably for espionage purposes. While five individuals had returned to Japan, other cases remained unsolved. The question of abduction of nationals from other countries by the Democratic People's Republic of Korea was also pending.

103. As indicated by the Secretary-General in his report and by the General Assembly in its recent resolutions, the abductions constituted serious violations of the fundamental rights of nationals of sovereign nations, and it was important to shed light on the issue.

The meeting rose at 5.50 p.m.